UNITED STATES PATENT AND TRADEMARK OFFICE

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3689	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/596,571	ROWAN, NICHOLAS DAVID WINGHAM
	Examiner	**Art Unit**	
	FONYA LONG	3689	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>16 June 2006</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-31</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>16 June 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/18/2006</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

This communication is a first Non-Final Office Action rejection on the merits in response to the Preliminary Amendment filed June 16, 2006. Claims 1-31 are currently pending and have been addressed below.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 24-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. With respect to claims 24-31, the claim language does not include the required tie or transformation and thus is directed to nonstatutory subject matter.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-5, 8, 9, 11, 12, 17-21, and 24-29 are rejected under 35 U.S.C. 102(b)

as being anticipated by Rowan (WO 02/091100).

As per Claims 1 and 24, Rowan discloses a transaction management system

for managing the purchase of a service by a buyer from a seller (Abstract, via a

transaction management system), the system comprising:

a data store for storing seller data (Page 51, via a data store for storing seller

data) comprising, for each of a plurality of sellers:

a seller identifier (Page 51, via seller identifier);

a seller grade dependent on at least one of the number of successfully

completed transactions involving the seller and the number of disputed problems

associated with transactions involving the seller (Page 51, discloses storing the grade

said sellers in at least partial dependence upon said complaint data); and

seller offer data indicating at least one service offered for sale and an availability

record for the service (Page 51, via seller offer data indicating at least one service or

item of commerce offered for sale);

a program store storing processor implementable instructions (Page 51, via a

program store storing processor implementable instructions); and

a processor coupled to the data store and the program store for implementing the
stored instructions (Page 51, via a processor coupled to the data store and to the
program store); wherein the stored instructions comprise instructions for controlling the
processor to:

implement a buyer interface to receive a purchase inquiry from a buyer, the
purchase inquiry comprising a plurality of purchase criteria (Fig. 7a, discloses receiving
an inquiry from a buyer);

output seller offer data for a plurality of sellers able to meet the purchase criteria
(Page 51, via buyer interface outputting seller offer data for a plurality of sellers); and

receive a purchase request from the buyer accepting a said offer, thereby
creating a transaction (Page 51, via receiving a purchase request from the buyer);

wherein the data store is further for storing transactions data comprising, for each
of a plurality of transactions, a transaction identifier, a transaction status, a buyer
identifier and a seller identifier (Fig. 2; Page 49, via a transaction database which stores
complaint data comprising a transaction identifier and text describing the complaint in a
database);

wherein the stored instructions further comprise instruction for controlling the
processor to implement a problem report interface to receive a problem report for a
problem associated with a transaction (Page 49, via receiving complaint data from a
buyer or seller); and

wherein the data store is further for storing problem data comprising for each of a
plurality of problems associated with transactions, a problem identifier, a transaction

identifier and a problem report received by the problem report interface (Page 49,

discloses storing complaint data comprising a transaction identifier and text describing

the complaint in a database).

As per Claim 2, Rowan discloses wherein the plurality of purchase criteria

include a service requirement and a data and time range requirement for the service

(Page 3 and 4, via purchase request indicating a service requested by the buyer and a

deadline indicating a data and/or time by when a response is due).

As per Claims 3 and 25, Rowan discloses the problem report interface is

implemented to receive the problem report from a buyer and, at the request of the

buyer, to create a replacement transaction for the buyer (Page 49, via receiving a

complaint from a buyer. Page 27, discloses in response to receiving an e-mail

notification of unavailability of the selected service, the buyer requesting an item as a

replacement).

As per Claims 4 and 26, Rowan discloses receiving an updated purchase

inquiry from the buyer, the purchase inquiry comprising a plurality of updated purchase

criteria (Fig. 7a and 7b; Page 33, via the buyer updating the inquiry data to select an

alternative service or item or seller);

outputting seller offer data for a plurality of sellers able to meet the updated

purchase criteria (Fig. 7a and 7b; Page 51, via buyer interface outputting seller offer

data for a plurality of sellers); and

receiving a purchase request from the buyer accepting a said offer, thereby creating a replacement transaction (Fig. 7a and 7b; Page 51, via receiving a purchase request from the buyer).

As per Claims 5, 8, and 27, Rowan discloses wherein the transaction data further comprises, for each of the plurality of transactions, a guaranteed or underwritten status, and wherein the problem report interface is further implemented to create a replacement transaction for the buyer in dependence on the guaranteed or underwritten status of the problem transaction, and to receive an indication of whether the problem will affect other transactions as part of the problem report (Abstract, discloses providing an indication of the underwritten status of a seller).

Examiner asserts that the claim states the purpose of implementing the problem report interface which is considered intended use. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed doe not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

As per Claim 9, Rowan discloses in the case of a disputed problem, the dispute resolution interface is implemented to receive problem related information from the buyer and seller and to make the problem related information available to the buyer and seller (Page 49, via receiving complaint data from a buyer or seller).

Examiner asserts that the claim states the purpose of implementing the dispute resolution interface which is considered intended use. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed

doe not differentiate the claimed apparatus from a prior art apparatus satisfying the

claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

As per Claim 11, Rowan discloses in the case of a disputed problem, the

dispute resolution interface is further implemented to enable the buyer or seller to refer

the problem to an arbitrator, and wherein the arbitrator determines liability (Pages 49-

51, discloses enabling the buyer or seller to refer the complaint to an adjudicator which

may be an arbitrator, wherein the adjudicator makes a decision based upon the

complaint and response).

As per Claim 12, Rowan discloses in the case of a disputed problem, the stored

instructions further comprise instructions for controlling the processor to automatically

refer a disputed problem to an arbitrator (Pages 49-51, discloses referring a complaint

to an adjudicator which may be an arbitrator), wherein the decision to refer a disputed

problem to an arbitrator is dependent on at least one of: the number of transactions

affected by the disputed problem; a guaranteed or underwritten status of the

transaction; the presence of a widespread contractual ambiguity requiring clarification;

and a grade of at least one of the buyer and seller; and wherein the arbitrator

determines liability (Pages 51 and 52, discloses the decision made by the adjudicator

may be based upon a measure of the value of the complaints based upon, for example,

values of the transactions concerned in relation to the complaint); and wherein the

arbitrator determines liability (Page 50 and 51, discloses the arbitrator determining

whether or not the party against whom the complaint was made was guilty or not).

As per Claim 17, Rowan discloses stored data relating to problem transactions comprises a measure of how early the seller has submitted problem reports for problems associated with their transaction for which they accept liability (Page 49, via a date and/or time stamp is provided in relation to the receipt of complaint submitted by a seller).

As per Claim 18, Rowan discloses the data store is further for storing buyer data comprising, for each of a plurality of buyers, a buyer identifier and a buyer grade, and wherein the buyer grade for each buyer is dependant on stored data relating to problem transactions (Page 51, discloses storing a seller identifier, a seller grade. Page 50, discloses the seller grade being dependent upon complaints).

Examiner asserts that the fact the data is related to buyers rather than sellers is considered non-functional descriptive material. The data being stored being related to buyers does not change the function of the claimed invention. Examiner asserts Rowan is fully capable of storing data comprising a buyer identifier and a buyer grade.

As per Claim 19, Rowan discloses the stored instructions further comprise instructions for controlling the processor to generate a contract between the buyer and the seller of a transaction, the terms of the contract depending on at least one of a buyer grade and a seller grade of the buyer and seller respectively (Pages 21-23, discloses generating a contract between a buyer and a seller for temp work, wherein the contract terms (i.e. compensation to the buyer when a seller defaults) is dependent of the seller's grade).

As per Claims 20 and 28, Rowan discloses a transaction management system comprising:

a data store for storing seller data comprising, for each of a plurality of sellers, a seller identifier (Page 51, via a data store for storing seller data including a seller identifier);

a program store for storing processor implementable instructions (Page 51, via a program store storing processor implementable instructions); and

a processor coupled to the data store and to the program store for implementing the stored instructions (Page 51, via a processor coupled to the data store and to the program store); wherein the stored instructions comprise instructions for controlling the processor to:

implement a buyer interface to receive a purchase inquiry from a buyer (Fig. 7a, discloses receiving an inquiry from a buyer);

output seller offer data for a plurality of sellers (Page 51, via buyer interface outputting seller offer data for a plurality of sellers); and

receive a purchase request from the buyer accepting a said offer, thereby creating a transaction (Page 51, via receiving a purchase request from the buyer);

wherein the stored instructions further comprise instructions for controlling the processor to implement a problem report interface to receive a problem report for a problem associated with a transaction (Page 49, via receiving complaint data from a buyer or seller), and wherein the seller data in the data store further comprises, for each of the plurality of sellers, a seller grade, wherein the seller grade is dependent on a

measure of how early the seller has submitted problem reports for problems associated

with their transactions for which they accept liability (Page 51, discloses storing a seller

grade).

As per Claims 21 and 29, Rowan discloses a transaction management system

comprising:

a data store for storing seller data comprising, for each of a plurality of sellers, a

seller identifier (Page 51, via a data store for storing seller data including a seller

identifier);

a program store storing processor implementable instructions (Page 51, via a

program store storing processor implementable instructions); and

a processor coupled to the data store and to the program store for implementing

the stored instructions (Page 51, via a processor coupled to the data store and to the

program store); wherein the stored instructions comprise instructions for controlling the

processor to:

implement a buyer interface to receive a purchase inquiry from a buyer (Fig. 7a,

discloses receiving an inquiry from a buyer);

output seller offer data for a plurality of sellers (Page 51, via buyer interface

outputting seller offer data for a plurality of sellers); and

receive a purchase request from the buyer accepting a said offer, thereby

creating a transaction (Page 51, via receiving a purchase request from the buyer);

wherein the stored instructions further comprise instructions for controlling the

processor to:

implement a problem report interface to receive a problem report from the buyer or seller for a problem associated with a transaction, the problem report including an indication of liability for the problem (Page 49, via receiving complaint data from a buyer or seller);

implement a dispute resolution interface if a problem report received from the buyer or seller indicates that the other is liable for the problem (Page 49, via adjudication system), thereby creating a disputed problem; and

automatically refer a disputed problem to an arbitrator(Pages 49-51, discloses referring a complaint to an adjudicator which may be an arbitrator), wherein the decision to refer a disputed problem to an arbitrator is dependent on at least one of: the number of transactions affected by the disputed problem; a guaranteed or underwritten status of the transaction; the presence of a widespread contractual ambiguity requiring clarification; and a grade of at least one of the buyer and seller; and wherein the arbitrator determines liability (Pages 51 and 52, discloses the decision made by the adjudicator may be based upon a measure of the value of the complaints based upon, for example, values of the transactions concerned in relation to the complaint); and wherein the arbitrator determines liability (Page 50 and 51, discloses the arbitrator determining whether or not the party against whom the complaint was made was guilty or not).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rowan (WO 02/091100).

        As per Claim 6, Rowan discloses wherein the data store is further for storing

seller extension data comprising, for each of a plurality of sellers, a seller identifier and

cancellation charging data (Claim 17, discloses storing in a data store seller data

comprising, for each of a plurality of sellers, a seller identifier, and seller offer data

indicating at least one service or item for commerce offered for sale), and wherein the

stored instructions further comprise instructions for controlling the processor to award

compensation to the seller in dependence on the cancellation charging data for the

seller (Page 45, discloses awarding compensation to a buyer buying from underwritten

sellers by, for example, bearing the costs of rescheduling or replacing an agreed office

hire).

        Examiner asserts it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the invention to include compensating a

seller for the buyer's breach of an agreement in order to compensate the seller for any

losses occurred such as profit.

As per Claim 13, Rowan discloses in the case of a disputed problem, the stored instructions further comprise instructions for controlling the processor to: implement an arbitrator interface to receive a judgment from the arbitrator, the judgment comprising an indication of liability (Page 49, via the adjudication terminal receiving a decision based upon the complaint and response).

However, Rowan fails to explicitly disclose notifying the buyer and seller of the judgment received from the arbitrator.

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the buyer and seller involved in the dispute as to the outcome of the dispute in order to ensure all parties are informed of the status of the dispute.

7.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowan (WO 02/091100) and in further view of Heinzel et al. (US 2004/0225637).

Rowan discloses providing alerts to a buyer (Page 27, via notifying a buyer of the unavailability of the selected service via a telephone call, fax, SMS message, or pager alert) and a seller and a seller (Page 46, automatically emailing a seller when a seller has been demoted). However, Rowan fails to explicitly disclose the storing alert data comprising, for each of a plurality of alerts, an alert identifier, an alert status and a description of a known problem.

Heinzel et al. discloses an alert engine with the concept of storing alert data (Abstract, discloses a database comprising alerts), wherein the alert data comprises, for each of a plurality of alerts, an alert identifier ([0056] via alert ID), an alert status ([0056]

via alert status information), and a description of a known problem ([0056] via message

(textual description of alert situation)), and wherein the problem report interface is

further implemented to notify the buyer or seller of alert data which is relevant to the

problem.

Examiner asserts that the claim states the purpose of implementing the problem

report interface which is considered intended use. It has been held that a recitation with

respect to the manner in which a claimed apparatus is intended to be employed doe not

differentiate the claimed apparatus from a prior art apparatus satisfying the claimed

structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Therefore, from the teaching of Heinzel et al., it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify the transaction

management system of Rowan to include storing alert data of Heinzel et al. in order to

store a history of alerts for retrospective analysis.

8.   Claims 10, 14-16, 22, 23, 30, and 31 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Rowan (WO 02/091100) and in further view of Sloo

(5,895,450).

As per Claim 10, Rowan discloses the claimed invention as applied to Claim 1,

above. However, Rowan fails to explicitly disclose enabling the buyer and seller to enter

into a time limited dispute resolution dialogue, and wherein the problem data in the data

store is updated to cancel the problem if the dispute resolution dialogue resolves the

problem within the time limit.

Sloo discloses a method and apparatus for handling complaints with the concept of enabling the buyer and seller to enter into a dispute resolution dialogue (Col. 7, Lines 42-49, discloses enabling a user (i.e. buyer and seller) to enter into negotiations (i.e. a dispute resolution dialogue).

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time limit on negotiations in order to expedite a resolution to a dispute. Examiner asserts it also would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the dispute once the dispute is resolved in order maintain an up-to-date record of all disputes pending.

Therefore, from the teaching of Sloo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transaction management system of Rowan to include enabling the buyer and seller to enter into a dispute resolution dialogue as taught by Sloo in order to provide an efficient means in resolving a dispute.

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time limit on negotiations in order to expedite a resolution to a dispute. Examiner asserts it also would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the dispute once the dispute is resolved in order maintain an up-to-date record of all disputes pending.

As per Claim 14, Rowan discloses storing problem related information for the problems (Page 49, via storing complaint information). However, Rowan fails to

explicitly disclose storing case law data comprising a plurality of judgments for disputed
problems.

Sloo discloses a method and apparatus for handling complaints with the concept
of storing case law data comprising a plurality of judgments for disputes problems (Fig.
7A, discloses storing judgments).

Therefore, from the teaching of Sloo, it would have been obvious to one of
ordinary skill in the art at the time the invention was made to modify the transaction
management system of Rowan to include storing case law data comprising a plurality of
judgments for disputed problems as taught by Sloo in order to maintain a history of the
outcome of the disputes.

As per Claim 15, Rowan discloses the claimed invention as applied to Claim 1,
above. However, Rowan fails to explicitly disclose providing relevant case law data to
buyers, sellers and arbitrators.

Sloo discloses a method and apparatus for handling complaints with the concept
of providing relevant case law data to buyers, sellers and arbitrators (Col. 16, Lines 45-
65, discloses providing relevant laws to a plurality of parties).

Examiner asserts that the type of parties being provided case law is considered
non-functional descriptive material. The type of parties does not change the function of
the claimed invention. Examiner asserts that Sloo is fully capable of providing case law
to buyers, sellers, and arbitrators.

Therefore, from the teaching of Sloo, it would have been obvious to one of
ordinary skill in the art at the time the invention was made to modify the transaction

management system of Rowan to include providing relevant case law data to buyers,

sellers and arbitrators as taught by Sloo in order to aid in determining the corresponding

punishment or judgment for a violation of a law.

 As per Claim 16, Rowan discloses the claimed invention as applied to Claim 1,

above. However, Rowan fails to explicitly disclose determining the other transactions

which will be affected by the problem; and notifying buyers and sellers of the other

affected transactions of the problem.

 Sloo discloses a method and apparatus for handling complaints with the concept

of determining the other transactions which will be affected by the problem on the basis

of the problem report (Col. 5, Lines 50-56, discloses determining other complaints

relating to transactions which are related to the present complaint); and notifying buyer

and sellers of the other affected transaction of the problem (Col. 5, Lines 3-10, discloses

providing notification via posting a notice of a complaint).

 Therefore, from the teaching of Sloo, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the transaction

management system of Rowan to include determining the other transactions which will

be affected by the problem; and notifying buyers and sellers of the other affected

transactions of the problem as taught by Sloo in order to aid in expediting a resolution to

complaints by grouping related complaints together.

 As per Claims 22 and 30, Rowan discloses a transaction management system

comprising:

a data store for storing seller data comprising, for each of a plurality of sellers, a seller identifier (Page 51, via a data store for storing seller data including a seller identifier);

a program store storing processor implementable instructions (Page 51, via a program store storing processor implementable instructions); and

a processor coupled to the data store and to the program store for implementing the stored instructions (Page 51, via a processor coupled to the data store and to the program store); wherein the stored instructions comprise instructions for controlling the processor to:

implement a buyer interface to receive a purchase inquiry from a buyer (Fig. 7a, discloses receiving an inquiry from a buyer);

output seller offer data for a plurality of sellers (Page 51, via buyer interface outputting seller offer data for a plurality of sellers); and

receive a purchase request from the buyer accepting a said offer, thereby creating a transaction (Page 51, via receiving a purchase request from the buyer);

wherein the stored instructions further comprise instructions for controlling the processor to:

implement a problem report interface to receive a problem report from the buyer or seller for a problem associated with a transaction (Page 49, via receiving complaint data from a buyer or seller).

However, Rowan fails to explicitly disclose informing the buyer or seller of known problems which are relevant to the transaction; requesting and receiving further

information about the problem from other buyers and sellers; and notifying other buyer

and sellers of the problem.

Sloo discloses a method and apparatus for handling complaints with the concept

of informing the buyer or seller of known problems which are relevant to the transaction

(Col. 5, Lines 57-65, discloses providing a party to a complaint with of known complaints

(i.e. problems) which relate to the transaction the party has filed a complaint against);

requesting and receiving further information about the problem from other buyers and

sellers (Col. 9, Line 50-Col. 10, Line 12, via encouraging responses (i.e. requesting) and

receiving responses comprising information pertaining to a complaint from third parties

(i.e. other buyers and sellers)); and notifying other buyer and sellers of the problem

(Col. 5, Lines 3-11, discloses posting a notice of a complaint in a publicly searchable

database where other users (i.e. other buyers and sellers) have access to the

database).

Therefore, from the teaching of Sloo, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the transaction

management system of Rowan to include informing the buyer or seller of known

problems which are relevant to the transaction; requesting and receiving further

information about the problem from other buyers and sellers; and notifying other buyer

and sellers of the problem as taught by Sloo in order to provide an efficient means to

resolving a dispute.

As per Claims 23 and 31, Rowan discloses a transaction management system

comprising:

a data store for storing seller data comprising, for each of a plurality of sellers, a

seller identifier (Page 51, via a data store for storing seller data including a seller

identifier);

a program store storing processor implementable instructions (Page 51, via a

program store storing processor implementable instructions); and

a processor coupled to the data store and to the program store for implementing

the stored instructions (Page 51, via a processor coupled to the data store and to the

program store); wherein the stored instructions comprise instructions for controlling the

processor to:

implement a buyer interface to receive a purchase inquiry from a buyer (Fig. 7a,

discloses receiving an inquiry from a buyer);

output seller offer data for a plurality of sellers (Page 51, via buyer interface

outputting seller offer data for a plurality of sellers); and

receive a purchase request from the buyer accepting a said offer, thereby

creating a transaction (Page 51, via receiving a purchase request from the buyer);

wherein the stored instructions further comprise instructions for controlling the

processor to:

implement a problem report interface to receive a problem report from the buyer

or seller for a problem associated with a transaction, the problem report including an

indication of liability for the problem (Page 49, via receiving complaint data from a buyer

or seller).

However, Rowan fails to disclose enabling the buyer and seller to enter into a time limited dispute resolution dialogue; and provide the buyer and seller with stored information about relevant transactions and the dispute resolution dialogue.

Sloo discloses a method and apparatus for handling complaints with the concept of enabling the buyer and seller to enter into a dispute resolution dialogue (Col. 7, Lines 42-49, discloses enabling a user (i.e. buyer and seller) to enter into negotiations (i.e. a dispute resolution dialogue); and provide the buyer and seller with stored information about relevant transaction and the dispute resolution dialogue (Col. 5, Lines 57-65, via providing a party with stored information about relevant complaints. Col. 7, Lines 50-65, discloses providing the complainant and the subject (i.e. buyer and seller) access to massages posted during negotiations (i.e. dispute resolution dialogue)).

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a time limit on negotiations in order to expedite a resolution to a dispute. Examiner asserts it also would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the dispute once the dispute is resolved in order maintain an up-to-date record of all disputes pending.

Therefore, from the teaching of Sloo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transaction management system of Rowan to include enabling the buyer and seller to enter into a time limited dispute resolution dialogue; and provide the buyer and seller with stored information about relevant transactions and the dispute resolution dialogue as taught by Sloo in order to provide an efficient means in resolving a dispute.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

        Schwankl et al. (US 2002/0099642) discloses a method and system to facilitate
pre-ordering of an offering.

        Pomerance (7,343,295) discloses an automated complaint resolution system.

        Walker et al. (5,794,207) discloses a method and apparatus for effectuating
bilateral buyer-driven commerce.

10.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to FONYA LONG whose telephone number is (571)270-
5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./
Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
3/1/09